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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

SUMMARY RECORD OF THE 548th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 28 May 1999, at 3 p.m.

Chairperson: Mrs. MBOI

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GE.99-42200 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Chad [(CRC/C/3/Add.50; HRI/CORE/1/Add.88); CRC/C/Q/CHA/1; written replies by the Government of Chad to the questions posed in the List of issues (document with no symbol distributed in the meeting)]

1. At the invitation of the Chairperson, the members of the delegation of Chad resumed their places at the Committee table.

2. The CHAIRPERSON invited members of the Committee who wished to do so to pose additional questions concerning the chapter of the List of issues relating to special protection measures.

3. Mr. DOEK asked what steps the Government of Chad had taken to address the problem of refugee children, who were said to number over 10,000. Did the 128 cases reported account for all the juvenile offenders or only those who were in custody, and were other children who were in conflict with the law subject to fines or other types of punishment? What were the percentages of girls and boys?

4. Mr. RABAH, noting that there were no juvenile courts in Chad, and that cases involving minors were heard in chambers, asked what procedures those chambers followed and whether special measures for juvenile offenders were taken by the traditional courts which were called on to try minors. He also asked what was the average length of detention, what was the usual length of trials, whether minors were able to communicate with their parents, whether they enjoyed legal assistance and the support of social workers and whether they could be placed in rehabilitation centres.

5. Mrs. SARDENBERG inquired as to the minimum age of enlistment in the army. Turning to the physical and psychological readaptation and social rehabilitation of children who had been victims of abuse, she wished to know whether, having been obliged to abandon projects in that field owing to financial difficulties, the Chadian authorities had sought technical assistance from the appropriate international agencies. Lastly, she asked whether the Government had drawn up specific programmes for the benefit of children from ethnic minorities, and how it planned to resolve the problem of street children.

6. Mrs. KARP said she deplored the fact that police and army personnel who committed acts of brutality against children were not systematically brought before the courts, and emphasized that it was quite inadequate to impose administrative penalties or disciplinary measures against them. She also sought additional information on the "community schools", asking whether the Government intended to set up new ones and include human rights education in all school curricula. She also expressed concern at the fact that teachers responsible for abuse against their pupils were expected to "make amends" for their errors by marrying the victims, which, far from constituting satisfactory amends for the girls in question, instead meant that they were victimized a second time.

7. She wished to know whether statistics existed in Chad concerning suicide among children. Further, how were child drug addicts treated and then reintegrated into society? Was help provided to Chadian children who were victims of war? Had Chad participated in the World Congress against Commercial Sexual Exploitation of Children? Lastly, had the Chadian authorities planned to call on foreign technical assistance to set up a system of community service in the field of justice for minors?

8. Mrs. MOKHUANE wished to know the Chadian authorities' precise position on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. In that connection, she asked whether the programme drawn up by the Ministry for Women, Children and Social Affairs in cooperation with UNICEF for the rehabilitation and reintegration of children in especially difficult circumstances - which included child soldiers - featured, in addition to "Western" methods, rehabilitation measures which drew on traditional practices. She also asked whether there were programmes designed to promote leisure activities for young girls, bearing in mind the high illiteracy rate recorded in the country. Lastly, she asked whether steps had been taken for the benefit of children with mental disabilities and whether teachers were invited to follow retraining courses.

9. Mrs. OUEDRAOGO wished to know the number of children in Chad who had been maimed during the war. She also asked whether there were plans for a comprehensive reform of education, given the problems currently facing the country's educational system, in particular the drop in the quality of teaching, repetition rates and the high number of drop-outs. How would the planned establishment of child-care facilities be funded? Did the educational programmes set up in cooperation with the World Bank and the European Development Fund cover children with learning difficulties, and did the curricula include classes on environmental protection and on the learning of tolerance?

10. She noted that the Constitution banned slavery and forced child labour, but that isolated cases of forced labour by children had nevertheless been recorded in rural communities and in military camps in the north of the country. How did the authorities plan to put a stop to that type of practice?

11. Mrs. KARP said that she was concerned at displays of violence in schools, and asked whether the Government had plans to study the phenomenon and analyse solutions found in other countries. She also wondered whether, in view of the high level of maternal mortality and the fact that abortion performed on victims of rape was penalized, the Government of Chad could not set up a system enabling girls who had been raped to undergo safe terminations.

12. Mrs. SARDENBERG sought further information on the systematic rapes carried out by the army as a part of the policy of repression and intimidation. She also wished to know more about the children's centres that had been opened on the Government's initiative and the role played by the Government of Chad in cooperation between UNICEF and ILO in the field of child labour in the informal sector.

13. Mr. LIMANE (Chad) said that the Government of Chad paid special attention to the needs of refugees from the Sudan and the African countries to whom it played host. The Office of the High Commissioner for Refugees and Secours Catholique pour le Développement

(Catholic Assistance and Development) also helped to ensure that all children benefited from vaccinations and to create conditions to enable refugee children to continue their schooling. For example, children from the Sudan attended Muslim religious schools wherever possible. Nevertheless, the Government of Chad also facilitated the smooth return of refugees to their countries and was pursuing a policy of encouraging voluntary returns.

14. He acknowledged that the phenomenon of juvenile delinquency existed in Chad as a result of poverty, opting out by parents and violence generated by society. A total of 128 children were currently in custody. However, the Judicial Organization Act of 28 May 1998 was designed to promote alternatives to imprisonment, and also made provision for juvenile divisions within each court of first instance. Furthermore, the Koundoul Hope Centre for Children offered accommodation for young offenders and children who had been abandoned by their parents. However, cases involving children were not immune from the effects of the slow judicial process, and it was to be hoped that the reform of the administration of justice and the training of new judges would enable them to be handled with the required dispatch.

15. He added that neither adult nor child offenders were obliged to engage in community work, but that they could pursue small-scale paid activities in prison. The minimum age for military service had not yet been set, as many other areas enjoyed priority, but legislation would shortly be drawn up for that purpose. The problem of ethnic minorities was not widespread in the country, even if long-standing practices did tend to marginalize certain minorities.

16. The purpose of the community schools was to meet children's fundamental social and educational needs, but they were still at the experimental stage in Chad. However, the Government had accepted the principle of human rights education in all schools, and it was important that that commitment should be carried through, especially as a strong propensity to violence prevailed in the country. In that regard, the phenomenon of sexual violence (particularly in the schools) could not be tackled satisfactorily as long as the social problem had not been resolved at the roots. However, the Government was taking active steps to identify and prosecute those responsible for such acts.

17. Suicide was not a common phenomenon in Chad, as religious circles viewed it as a sin and condemned it. Nor had the drug problem assumed worrying proportions in the country. Children whose parents had disappeared during the civil war had little opportunity for reintegration in society, and in that regard the Government of Chad appealed to the international community for assistance. Chad had not adopted a plan of action taking up the recommendations made by the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children, but would welcome all useful information on the subject.

18. The problem of the recruitment of minors into the armed forces did not arise, because the programme for the reorganization of the army begun at the end of the war provided for the demobilization of all the young people who were members of the political-military movements and their reintegration into civilian life. The psychological integration of minors who had taken part in the fighting was rather difficult, and training of skilled personnel was necessary. Accordingly, Chad's report placed emphasis on the physically disabled among war victims rather than on the mentally disabled. In addition, the law which set out guidance for the education system contained provision for special assistance for children maimed during the war.

The World Bank and the European Union were helping Chad to comply with the commitments it had entered into in the framework of structural adjustment. Steps were also being taken to increase the funds available to the Department of Social Action and the Family and to set up child-care facilities.

19. Protection of the environment was one of the current concerns of the Government of Chad, as well as the establishment of a spirit of peace and tolerance, a matter which was addressed in the context of human rights education at school. Slavery and forced labour were banned by the Constitution of Chad. Following investigations, all the cases brought before the Government had proved to stem from slanderous allegations aimed at undermining efforts to institute a genuine spirit of respect for human rights in Chad. Consequently, he was in a position to affirm that there were no children who were victims of forced labour in industrial plants in the north of the country.

20. Violence at school was a matter for concern, given the proliferation of weapons in the country. In an attempt to remedy the situation, the Chadian authorities had ordered systematic searches of pupils on entry to school establishments and the imposition of severe punishments for those in possession of weapons. Human rights education in school should also help to make children aware of the dangers linked with firearms.

21. Lastly, in a traditionalist society like that of Chad, legally authorizing abortion for girls who had been raped would encounter serious resistance, on the part of both the Catholic and the Muslim community. However, it should be noted that terminations were authorized on therapeutic grounds. With regard to the allegations of rapes by military personnel in areas of conflict, it was difficult to curb all excesses in that type of situation. Nevertheless, it was quite an exaggeration to claim that such phenomena were becoming systematic. The reorganization of the army should help to inculcate respect for individual rights among military personnel.

22. Mr. KAGUER (Chad) said that the repatriation of Chadian exiles had been among the Government's priorities since the early 1990s. In 1995 the National Commission for Reception and Reintegration had been set up to help foreign refugees and those being repatriated. With the help of UNHCR, the Commission facilitated repatriation and reintegration of Chadian exiles who had lived for long periods in Cameroon and the Niger, specifically by offering French classes to children who had learned English in their former host country. The Commission and UNHCR also took charge of refugees from Rwanda, Sierra Leone, the Congo, Uganda and the Sudan in Chad pending an end to the conflicts which were preventing them from returning home.

23. Mrs. MOTOGAM (Chad) said that the 128 children in conflict with the law who had been mentioned earlier were being held in local prisons. All children were provided with legal aid in the form of court-appointed counsel. A survey carried out in cooperation with UNICEF in 1995 had highlighted a number of children in difficulties, leading the Government to set up a national programme for the protection of children in especially difficult circumstances. The Ministry of Justice and the Ministry of Social Action were cooperating to ensure the protection, education and supervision of such children. The Government was aware that street children were the primary victims of police brutality, and had organized seminars to create awareness

among the security forces concerning the need to protect that category of children. With the help of UNICEF, it had also provided training for social workers in non-institutional educational activities.

24. The UNICEF-funded study on child labour in the informal sector had shown that many children were working in that sector, where they ran the risk of exploitation. For that reason the Government had drawn up a plan of action to create awareness among parents while offering them the prospect of income-generating activities in order that their children might continue their studies.

25. Lastly, she pointed out that the problem of abortion was closely linked to the fact that sex education was considered taboo and not provided in Chad. In an effort to overcome attitudes which hindered the Government from fully complying with the provisions of the Convention in that area, the Directorate for Children and the Ministry of Health were studying the scope for authorizing terminations in cases such as rape. However, the question remained a delicate one which, given the weight of socio-cultural tradition, would require time to resolve.

26. Mr. DJONATA (Chad) said that, in order to make up for the State's shortcomings in the field of education, parents were often prompted to build schools and recruit teachers themselves, with the result that at the village level, non-official schools now outnumbered other types. Protection of the environment was one of the subjects taught at school, in particular as part of a programme to encourage reforestation and a programme to promote the use of gas instead of wood.

27. The CHAIRPERSON invited the members of the Committee to put additional questions to the Chadian delegation.

28. Mrs. OUEDRAOGO asked what was being done to compensate child soldiers who had been maimed and to ensure the reintegration of those who had been demobilized. She also sought information on the follow-up to the two reports on child labour which had been mentioned in the Government's written replies to the questions posed by the Committee in paragraph 31 of the List of issues.

29. Mrs. KARP, noting that the existing legislation authorized abortion on therapeutic grounds, asked whether the Government of Chad could not authorize terminations in cases of rape without modifying the legislation. In that regard, WHO's definition of health embraced both physical and mental health, and a rape could have consequences for either, for example when the victim was too young or very traumatized.

30. Mrs. MOKHUANE wondered whether the present situation regarding abortion was not discriminatory, in that poor families were denied access to intervention which rich families could secure covertly in Chad or openly abroad. She also sought fuller information on cases of death in detention and the steps that had been taken to prevent them.

31. Mr. LIMANE (Chad) said that Chad was currently negotiating with the World Bank and IMF with a view to the organization of a programme to relaunch the process of social reintegration of persons being demobilized, but that, for lack of funds, no practical steps had yet

been taken to compensate former child soldiers who had been maimed during the war. Regarding child labour in the informal sector, an initial study had been carried out and a second, funded by ILO, was being finalized. Steps would be taken once the findings of the two studies had been analysed.

32. In reply to Mr. Rabah, he said that the juvenile courts had been set up in order to preserve childen's rights. Their special characteristic was that no publicity was allowed concerning the cases under way and that the hearings were held in chambers. Concerning the very delicate matter of abortion, he said that the delegation had taken note of Mrs. Karp's suggestion on broadening the interpretation of the expression "health reasons", and would do all it could to convince the Government of the need to revise the legislation on the matter. Lastly, he acknowledged that acceptable standards were not always respected in Chadian prisons, but pointed out that the number of deaths in detention was very low. Moreover, efforts had been made in recent years to improve prison conditions. free treatment of all prisoners had been introduced by Government decision, and new premises had been built in the capital - a policy which would be extended to the other localities in the future. However, as resources were limited, the State gave priority to ensuring the health and welfare of free citizens, and it must be recognized that the question of prisoners was not a first priority.

33. The CHAIRPERSON invited members who so wished to outline their preliminary conclusions.

34. Mrs. OUEDRAOGO said it should be remembered that Chad was a landlocked country experiencing environmental problems, engaged in a structural adjustment programme and suffering the burden of tradition and 30 years of war. The remarkable progress it had managed to make since the report had been written was consequently all the more praiseworthy. She paid tribute to the political will demonstrated by the State and urged it to continue to implement its various programmes, especially in the rural areas. The problems on which Chad should focus were discrimination against women and girls, disparities between urban areas and rural areas, difficulties in ensuring respect for the opinions of children and the persistence of corporal punishment in families and schools. The State party should also address the problem of the absence of special laws in favour of disabled people, the absence of minimum ages for military service and consent to sexual relations, the persistence of taboos concerning sexual abuse, problems in health and education, the situation in prisons and the psychological difficulties faced by young people who had experienced war. Lastly, she emphasized the need for an integrated and holistic view of the rights of the child and the need to establish specific machinery to monitor the application of the Convention.

35. Mrs. KARP said she wished to emphasize the need to ensure, at the time when legislation was being drafted, that the requisite resources were available to implement the new projects so as to minimize the risk of failure. She joined Mrs. Ouedraogo in underlining that the rights set forth in the Convention should be regarded as a whole and paying tribute to Chad's political commitment to the rights of the child.

36. Mr. LIMANE (Chad) said that in presenting its initial report to the Committee on the Rights of the Child, the Government of Chad had demonstrated its resolve to fulfil its international obligations henceforth. Moreover, aware of the fact that experts from bodies

monitoring international instruments could help it to identify gaps and make the adjustments required, the Chadian State was determined to maintain a sincere dialogue with the Committee and other bodies. He regretted the delay in the presentation of Chad's report, but emphasized that considerable progress had nevertheless been made in the country since the ratification of the Convention. The efforts in the direction of sound management made in the context of the structural adjustment plan were beginning to bear fruit, the economic situation was improving and the country's institutions inspired confidence: the round-table meeting held in Geneva on economic development in Chad, organized on the initiative of UNDP, had led to the mobilization of substantial international assistance. He was convinced that development and the full realization of human rights were interdependent, and was therefore confident in the future of the children of Chad. He assured the Committee that its suggestions would be translated into actions.

37. The CHAIRPERSON, thanking the delegation for the fruitful dialogue with the Committee, announced that the Committee had completed its consideration of the initial report of Chad. The second periodic report of the State party had been due since 1997.

The meeting rose at 5.35 p.m.